

REMARKS

At the outset, Applicants thank Examiner Audet for his time and consideration of the present application during the telephonic interview of September 25, 2009 with the undersigned.

During the interview, the suggestions provided in the Official Action were discussed briefly, and it was noted that the period for response indicated in the Official Action of September 17, 2009 was only one month, rather than three months.

The resetting of the response period to the outstanding Official Action in the Interview Summary of September 29, 2009 is acknowledged with appreciation.

This application has been amended in a manner to it in condition for allowance, based on the suggestions provided in the Official Action.

Status of the Claims

Claim 7 is amended to include the features of claim 1 and claim 8. Claim 37 is amended as to form.

Claims 41 and 42 are new, and correspond to the subject matter of claims 7 and 37, respectively.

Support for the amendment to the claims may be found, for example, at paragraphs [0105], [0158], and [0124] as indicated in the Official Action and Table 3.

Claims 1-6, 8-36 and 38-40 have been cancelled without prejudice, as applicants reserve the right to file one or more

divisional applications directed to the non-elected subject matter covered by these claims.

Claims 7, 37, 41 and 42 remain pending.

Claim Objections

Claims 7-8 and 37 were objected to for informalities.

Specifically, the claims were objected to for not being directed to the elected peptides SEQ ID NOs 5 and 6 and the elected MS2CP as the RNA binding protein.

Applicants acknowledge with appreciation the suggestions made in the Official Action.

However, there appears to be a misinterpretation of the SEQ ID NOs 5 and 6. The Official Action stated that the fusion peptide might be "selected from the group consisting of SEQ ID NOs 5-6, fused with an RNA binding protein (e.g. MS2CP, N, IRP and U1A)". See, e.g., page 5 of the Official Action.

Indeed, SEQ ID NOs 5 and 6 are already fusion polypeptides comprising one peptide inhibitor as defined in claim 1 that is fused to MS2CP, i.e., they *include* the RNA binding protein. In other words, previously presented claim 7 was directed to a fusion polypeptide *comprising* a peptide inhibitor (e.g., Pep58X or Pep58H as described in Table 3 of the specification) *fused with* the RNA binding protein MS2CP.

Claim 7 has been amended to include the features of claim 1 (from which claim 7 depends) and the features of claim 8,

as suggested in the Official Action. The fusion polypeptide now comprises a peptide inhibitor (e.g., Pep58X and Pep58H as previously included in the scope of claim 1) *fused with* the RNA binding protein MS2CP to form a polypeptide according to SEQ ID NO 5 (i.e., MS2CP-Pep58X as described in Table 3) or SEQ ID NO 6 (i.e., MS2CP-Pep58H as described in Table 3).

Therefore, as claim 7 has been amended to fix the informalities, withdrawal of the objection is respectfully requested.

Claim Rejections-35 USC §112

Claims 7, 8 and 37 were rejected under 35 U.S.C. §112, first paragraph, for not complying with the written description requirement. This rejection is respectfully traversed for the reasons below.

Claim 7 has been amended in a manner which is described in the application, e.g., paragraphs [0105], [0158], and [0124] as indicated in the Official Action and Table 3. Claim 7 is directed to a fusion polypeptide *comprising* SEQ ID NO 5 or SEQ ID NO 6. Claim 37 is directed to a pharmaceutical composition including this fusion polypeptide.

New claim 41 is directed to a fused polypeptide *consisting of* SEQ ID NOs 5 or 6, and new claim 42 is directed to a pharmaceutical composition having this fusion polypeptide.

Therefore, the pending claims meet the written description requirement, and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the amendment to the claims and the foregoing remarks, this application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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